

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

August 1, 2013

\_\_\_\_\_  
No. 11-10338  
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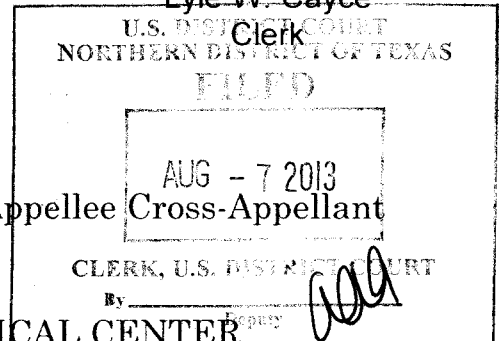
NAIEL NASSAR, MD,

v.

Plaintiff-Appellee Cross-Appellant

UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER,

Defendant-Appellant Cross-  
Appellee



\_\_\_\_\_  
Appeals from the United States District Court  
for the Northern District of Texas  
USDC No. 3:08-CV-1337  
\_\_\_\_\_

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before REAVLEY, ELROD, and HAYNES, Circuit Judges.

PER CURIAM:\*

A jury previously found in favor of Plaintiff Dr. Naiel Nassar on claims brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, for constructive discharge and retaliation. This court vacated in part and affirmed in part the district court's judgment, and we remanded for a recalculation of damages. We rejected the Defendant's argument that the

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 11-10338

district court erroneously instructed the jury on a mixed-motive theory of retaliation.

The Supreme Court granted certiorari, vacated, and remanded this case for further consideration because Title VII retaliation claims must be proved according to principles of but-for causation rather than the mixed-motive test. We therefore VACATE the district court's judgment in its entirety and REMAND for further proceedings consistent with the opinion of the Supreme Court.

**A true copy  
Attest:**

**Clerk, U. S. Court of Appeals, Fifth Circuit**

By James R. Chelmsworth

**Deputy**

**New Orleans, Louisiana**

**AUG 01 2013**

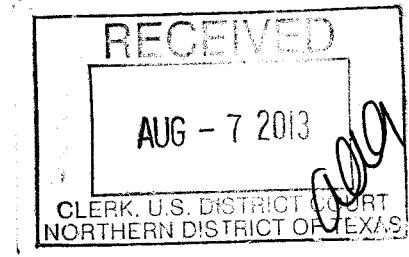
**United States Court of Appeals**  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
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NEW ORLEANS, LA 70130

August 01, 2013

Ms. Karen S. Mitchell  
Northern District of Texas, Dallas  
United States District Court  
1100 Commerce Street  
Earle Cabell Federal Building  
Room 1452  
Dallas, TX 75242



No. 11-10338, Naiel Nassar v. Univ TX Southwestern  
Hlth Sys  
USDC No. 3:08-CV-1337

Dear Ms. Mitchell:

We are enclosing a copy of an opinion-order on remand from the United States Supreme Court. This opinion is issued as the mandate.

We are not forwarding the record on appeal as it is an electronic copy.

Sincerely,

LYLE W. CAYCE, Clerk

By: Jamie R. Cheramie  
Jamie R. Cheramie, Deputy Clerk  
504-310-7800

Enclosure(s)

cc: Ms. Myrna Salinas Baumann  
Honorable Jane J. Boyle  
Mr. Lars Hagen  
Mr. Michael Wayne Johnston  
Mr. Daryl Langdon Joseffer  
Mr. Brian Patrick Lauten